

EXHIBIT KK

Dameron, Matt

From: Fox, Michael W. [Mike.Fox@ogletreedeakins.com]
Sent: Monday, June 30, 2008 9:15 AM
To: Hanson, George; Dameron, Matt
Cc: Londa, Jeffrey C.
Subject: Gandhi v. Dell
Attachments: Draft of Pretrial Scheduling Order.DOC

George, Matt

I am attaching a proposed scheduling order based on our conversation of last week.

If it is ok, let me know and I will electronically sign your name and get it filed. If you have changes, just shoot me an email or if we need to talk let us know when would be a good time. I think Jeff is available between 2:30 and 4:00.

Thanks.

Mike

www.ogletreedeakins.com
512.344.4711 (direct)
512.344.4701 (fax)
Michael.Fox@OgletreeDeakins.com

6/1/2009

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HITUL GANDHI, individually, and on behalf of §
a class of others similarly situated, §

Plaintiff, §

v. §

Case No. 1:08cv-00248-SS

DELL INC., §
and §
DELL MARKETING USA L.P., §

Defendants. §

PLAINTIFF'S AND DEFENDANTS' PROPOSED SCHEDULING ORDER

Plaintiff, Hitul Gandhi, brings this action on behalf of himself and on behalf of a class of others similarly situated pursuant to 29 U.S.C. §216(b) of the Fair Labor Standards Act. Defendants deny that certification of a collective action is appropriate.

Because Plaintiff seeks to have this case certified as a collective action and to send Notice (pursuant to a form to be authorized by the Court) to potential members of a purported FLSA collective action, the parties jointly propose the attached Scheduling Order with dates for preliminary discovery and briefing through the Motion to Certify.

Because of the need for resolution of the certification issue, the parties have proposed a non-standard Scheduling Order under Local Rule CV 16(a).

Respectfully submitted,

George A. Hanson (Pro Hac Vice)
Email: hanson@stuevesiegel.com
Matthew L. Dameron (Pro Hac Vice)
Email: dameron@stuevesiegel.com

STUEVE SIEGEL HANSON LLP
460 Nichols Road, Suite 200
Kansas City, Missouri 64112
(816) 714-7100
(816) 714-7101 (fax)

J. Derek Braziel
Texas Bar No. 00793380
Meredith Mathews
Texas Bar No. 24055180
Lee & Braziel, LLP
1801 N. Lamar St., Suite 325
Dallas, Texas 75202
(214) 749-1400
(214) 749-1010 (fax)

ATTORNEYS FOR PLAINTIFF

/s/ Jeffrey C. Londa
Jeffrey C. Londa, TX #12512400
OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.
jeffrey.londa@ogletreedeakins.com
500 Dallas Street, Suite 3000
Houston, Texas 77002-4709
(713) 655-5750
(713) 655-0020 (Fax)

Michael W. Fox, TX #07335500
OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.
michael.fox@ogletreedeakins.com
301 Congress Avenue, Suite 1250
Austin, TX 78701
(512) 344-4700
(512) 344-4701 (Fax)

ATTORNEYS FOR DEFENDANTS
DELL INC. AND DELL MARKETING USA L.P.

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HITUL GANDHI, individually, and on behalf of §
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DELL INC., §
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Defendants. §

Case No. 1:08cv-00248-SS

SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order:

1. The parties shall complete all discovery related to Plaintiff's Anticipated Motion for Certification as a collective action under 29 U.S.C. §216(b) on or before October 24, 2008.

2. Plaintiff shall file his Motion for Certification under 29 U.S.C. §216(b) by November 3, 2008.

3. Defendants shall file their Response to the Motion for Certification under 29 U.S.C. §216(b) no later than December 4, 2008, or 30 days after the filing of Plaintiff's Motion, if the Motion is filed before November 3, 2008.

4. Plaintiff shall file his Reply, if any, no later than December 19, 2008, or 15 days after the filing of Defendants' Response, if the Motion is filed before November 3, 2008.

Signed this _____ day of July, 2008.

UNITED STATES DISTRICT JUDGE

AGREED:

Attorney for Plaintiff, Hitul Gandhi

Attorney for Defendants, Dell Marketing U.S.A. LP and Dell Inc.

6460854.2 (OGLETREE)